

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 92-cr-81058-10

Hon. Matthew F. Leitman

D10, EDWIN CULP,

Defendant.

/

**ORDER GRANTING UNITED STATES' MOTION
TO STAY DEFENDANT'S MOTION FOR
COMPASSIONATE RELEASE (ECF No. 1055)**

On October 15, 2024, Defendant Edwin Culp filed a Motion to Reduce Sentence and for Compassionate Release (ECF No. 1048.) In his motion, Culp relies in part on updated guidelines promulgated by the United States Sentencing Commission, which provide that courts can consider an “unusually long sentence” along with non-retroactive changes in the law as “extraordinary and compelling reason[s]” in support of a motion for a reduction in sentence or a motion for compassionate release. (*Id.* at PageID.3548; U.S.S.G. § 1B1.13(b)(6) and (C)).

The Court ordered the Government to respond to Defendant's motion by December 16, 2024. (*See* Order, ECF No. 1049.) On December 15, 2024, the Government filed a Motion to Stay Defendant's Motion for Compassionate Release (ECF No. 1055), citing two consolidated appeals currently pending before the

United States Court of Appeals for the Sixth Circuit. (*See id.* at PageID.3689, citing *United States v. McHenry*, Case No. 24-3289, and *United States v. Bricker*, Case No. 24-3286.) The Government reports that the issues before the Sixth Circuit in those cases include “whether the Sentencing Commission exceeded its congressionally delegated authority in providing that non-retroactive changes in the law can qualify as an ‘extraordinary and compelling’ reason for a sentence reduction under § 1B1.13(b)(6).” (*See id.*)

The Court believes the Sixth Circuit’s decisions in *McHenry* and *Bricker* will provide substantial guidance in connection with the proper disposition of this case. Accordingly, the Motion to Stay Defendant’s Motion for Compassionate Release (ECF No. 1055) is **GRANTED**. Proceedings on the motion are **STAYED** until the Sixth Circuit issues decisions in both *McHenry* and *Bricker*. The Government shall file its response to the motion **not more than twenty-one (21) days after** the Sixth Circuit issues decisions in both appeals.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 17, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 17, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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